

IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

JEFFERSON CITY APOTHECARY, LLC, d/b/a JEFFERSON CITY APOTHECARY and
ULDIS PIRONIS, R.Ph.,

Appellants,

v.

MISSOURI BOARD OF PHARMACY,

Respondent.

DOCKET NUMBER WD79294
(Consolidated with WD79295)

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: September 13, 2016

APPEAL FROM

The Circuit Court of Cole County, Missouri
The Honorable Daniel R. Green, Judge

JUDGES

Division IV: Mark D. Pfeiffer, Chief Judge, Presiding, and James Edward
Welsh and Edward R. Ardini, Jr., Judges

ATTORNEYS

Johnny K. Richardson
Jefferson City, MO

Attorneys for Appellants,

Chris Koster, Attorney General
Daryl R. Hylton, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

JEFFERSON CITY APOTHECARY,)
LLC, d/b/a JEFFERSON CITY)
APOTHECARY and ULDIS PIRONIS,)
R.Ph.,)
)
Appellants,)
v.)
)
MISSOURI BOARD OF PHARMACY,)
)
Respondent.)

**OPINION FILED:
September 13, 2016**

WD79294 (Consolidated with WD79295)

Cole County

Before Division Four Judges: Mark D. Pfeiffer, Chief Judge, Presiding, and James Edward Welsh and Edward R. Ardini, Jr., Judges

Jefferson City Apothecary, LLC (“Apothecary”) and Mr. Uldis Pironis (“Pironis”) appeal the judgments of the Circuit Court of Cole County (“circuit court”) affirming the joint decisions of the Administrative Hearing Commission (“AHC”) and the Missouri Board of Pharmacy (“Board”), which decisions found cause to discipline and imposed discipline on the Apothecary’s pharmacy permit and Pironis’s pharmacist license.

AFFIRMED.

Division Four holds:

1. Apothecary and Pironis’s first point relied on contains multifarious claims of error and, accordingly, violates Rule 84.04. A point relied on should contain only one issue, and parties should not group multiple contentions about different issues together into one point relied on.

2. The Apothecary and Pironis assert that the AHC erred in determining that the Board established cause to discipline because they did not violate any drug laws and because Pironis did not neglect his duties as pharmacist-in-charge to anyone’s detriment. It was undisputed that Pironis instructed an unlicensed person to compound and dispense a chemotherapy prescription

when he was not physically present in the pharmacy in violation of section 338.010.1, which prohibits an unlicensed person from engaging in the practice of pharmacy, and in violation of regulations requiring the presence of a pharmacist.

The Apothecary and Pironis further claim that the AHC erred because the final decision-maker was not the same AHC commissioner as the AHC commissioner who conducted the evidentiary hearing. This argument has been rejected by Missouri courts in the past. Here, the AHC Commissioner who rendered the final decision read the full record, including all the evidence presented at the evidentiary hearing, as required by section 536.080.2.

3. The Apothecary and Pironis contend that the Board imposed disproportionate discipline. The Board's decision to place Pironis's pharmacy license and the Apothecary's pharmacy permit on probation for one year was within the statutory range of discipline available to the Board, and such discipline was supported by competent and substantial evidence and was not arbitrary, capricious, unreasonable, or disproportionate.

4. The Apothecary and Pironis assert that the Board erred in issuing its orders because the orders were not sufficiently specific either to show how the Board decided the discipline to be imposed or to allow a reviewing court to determine if there was a reasonable basis in fact for the disciplinary decisions reached. Section 338.055.3 does not expressly require the Board to make additional findings of fact and conclusions of law to justify the form of discipline determined to be appropriate in each case. Here, the Board incorporated the AHC's decisions, which included findings of fact and conclusions of law, into its orders and also made additional findings on which it based its disciplinary orders.

Opinion by: Mark D. Pfeiffer, Chief Judge

September 13, 2016

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